## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS AMARILLO DIVISION

DANIEL VALLEJO RECIO, PRO SE, also known as DANIEL V. RECIO, TDCJ-CID No. 598857,	§ § §	
Plaintiff,	§ §	
v.	§ 8	2:10-CV-0068
•	8 §	2.10 C 7 0000
JOHN H. ADAMS, Unit Warden	§	
High Security,	§	
and BRIAN J. CLARK, Major,	§	
	§	
Defendants.	§	

## MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff DANIEL VALLEJO RECIO, proceeding pro se, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendants. Plaintiff did not pay the filing fee or request leave to proceed in forma pauperis.

Upon the filing of plaintiff's complaint, the Court issued a Notice of Deficiency Order giving plaintiff thirty days in which to pay the filing fee or submit an Application to Proceed In Forma Pauperis with a history of his inmate trust account for the previous six-month period.

Plaintiff was instructed that any failure to timely comply with the Order would result in the dismissal of this cause without further notice.

The period for response has expired and plaintiff has failed to pay the filing fee in this cause or respond in any way to the Notice of Deficiency Order. No pleading or correspondence has been received from plaintiff in this cause since the filing of his complaint on March 31, 2010.

It is the conclusion of the United States District Judge that Plaintiff has abandoned his cause and such cause should be dismissed for failure to prosecute. Link v. Wabash Railroad Co., 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (court possesses inherent power to dismiss sua sponte for lack of prosecution). Further, plaintiff has failed to pay the filing fee.

## IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby withdrawn.

This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE and FOR FAILURE TO PAY THE FILING FEE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

It is SO ORDERED.

Signed this the \_\_\_\_\_ day of February, 2011.

United States District Judge